

GETTING LAW OFFICES, PLC

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Michigan Supreme Court
Clerk of the Court
P. O. Box 30052
Lansing, MI 48909

Re: ADM File No: 2009-11

Dear Justices of the Michigan Supreme Court:

I recently reviewed with alarm the proposed amendment to MCR 6.302. While the goal of reducing the possibility that a defendant would be coerced into agreeing to a particular resolution is laudable, the proposed amendment would have far reaching implications beyond that result. Requiring all plea discussions to take place in open court and on the record would substantially limit the number of resolutions reached in criminal cases. Many of the discussions leading to resolution take place between counsel away from an open court. Many of these discussions have no place being held in open court. It is unrealistic to believe that the type of conversation that would be held in open court, in front of other litigants and members of the public, would be anywhere near as effective in reaching resolutions as the open and frank discussions that take place outside of the courtroom.

Questioning of the defendant by the judge at the time the plea agreement is placed on the record regarding his understanding of the agreement and why he is entering into it would be sufficient to meet the goal of reducing pleas that have somehow been coerced.

The proposed amendment to MCR 6.302 is unnecessary and would lead to far greater problems than it would solve. I strongly oppose its adoption.

Thank you for this opportunity to comment.

Sincerely,

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